



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

RECEIVED MAY 09 2011

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REPLY TO THE ATTENTION OF:

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Patrick Industries Inc.
107 W Franklin Street
P.O. Box 638
Elkhart, IN 46515

*R. Ingham
Sr. Eng. of
Ind. In.
Corp. Inc.*

Re: Request for Information Pursuant to Section 104(e) of CERCLA for Lusher Street Groundwater Contamination Site, Elkhart, Indiana

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is investigating the Lusher Street Groundwater Contamination site located in Elkhart, Indiana. The site is defined as a contaminated ground water plume whose approximate borders have been initially established on the north by the St. Joseph River, on the west by Nappanee Street, on the south by Hively Avenue, and on the east by Oakland Avenue. U.S. EPA believes that you may have information that is relevant to the investigation of contamination at the Site. Enclosure 1 is a summary of the history of this Site.

U.S. EPA asks that you provide information and documents relating to the contamination of the Site. Please respond completely and truthfully to this Information Request and its questions in Enclosure 4 within 30 days of your receipt of this letter. Instructions for completion of your response are in Enclosure 2; definitions of terms used in this Information Request and its questions are in Enclosure 3.

You may consider some information that we request to be confidential. If you wish to assert a claim of business confidentiality, you must respond to the relevant question(s) and advise U.S. EPA that you request that the Agency treat the response as confidential business information. Directions to assert a claim of business confidentiality are in Enclosure 5.

The Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. § 9601, *et seq.*, (commonly referred to as CERCLA or Superfund) gives U.S. EPA the authority to: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by a site, 3) clean up those sites, and 4) investigate parties having potential liability at a site.

Under Section 104(e)(2) of CERCLA, U.S. EPA has authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability of potentially liable parties to pay the costs of the clean up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA. Failure to respond and failure to justify the non-response can result in similar penalties under this Section. Further, Section 104(e)(5) authorizes the United States to seek penalties from a federal court of up to \$37,500 for each day of continued non-compliance. U.S. EPA considers non-compliance to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each question in the Information Request.

The provision of false, fictitious or fraudulent statements or misrepresentations may subject you or your firm to criminal penalties of up to \$10,000 or up to five years imprisonment, or both, under 18 U.S.C. § 1001.

U.S. EPA has the authority to use the information requested in an administrative, civil, or criminal action.

This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Return your response to U.S. EPA within 30 days of your receipt of this Information Request. Mail your response to:

U.S. Environmental Protection Agency
c/o Grace Co
77 West Jackson Blvd., (SE-5J)
Chicago, IL 60604-3590

If you have questions about a legal matter please call our attorney, Tom Krueger, at (312) 886-0562. Address all other questions to Syed Quadri, Remedial Project Manager, at (312) 886-5736.

We appreciate your effort to respond fully and promptly to this information request.

Sincerely,



for Thomas C. Marks, Chief
Enforcement Services Section #2
Enforcement & Compliance Assurance Branch

Enclosure: 1. Site History
 2. Instructions
 3. Definitions
 4. Information Request
 5. Confidential Business Information
 6. Site Maps (2)